

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

JOSE L. RODRIGUEZ RUIZ AND JO
ANNE VAZQUEZ RODRIGUEZ

DEBTOR

JOSE L. RODRIGUEZ RUIZ AND JO
ANNE VAZQUEZ RODRIGUEZ

PLAINTIFF

VS.

POLICE DEPARTMENT OF THE
COMMONWEALTH OF PUERTO RICO, et
al.

DEFENDANTS

CASE NO. 15-07632 (EAG)

CHAPTER 7

ADV. PROC. 16-00205 (EAG)

CONTEMPT AND DAMAGES FOR THE
VIOLATION OF THE AUTOMATIC
STAY AND DISCHARGE INJUNCTION;
LEAVE OF COURT TO INITIATE
PREFERENCE TRANSFER ACTION NOT
INITIATED BY THE TRUSTEE

ANSWER TO COMPLAINT

TO THE HONORABLE COURT:

COMES NOW, Defendants, the Police Department of the Commonwealth of Puerto Rico, through the Secretary of Justice, by the undersigned counsel, and very respectfully avers and prays as follows:

INTRODUCTION

1. This is an action for contempt, and for declaratory, injunctive relief and damages. Plaintiffs alleges that Defendants have been collecting a debt willfully and in reckless disregard of Plaintiffs' rights. Plaintiffs alleges that Defendants have chosen

to ignore the automatic stay, discharge provisions and Plaintiffs' demands regarding a monthly deduction on Plaintiffs' wages. According to Plaintiffs said funds are exempt from collection due to this bankruptcy proceeding and the surrender of the property.

2. The appearing Defendant seek that this Honorable Court denies any and all allegations, interests, damages, attorney's fees and cost against them and the dismissal of the case.

GENERAL ALLEGATIONS

3. All conclusions of law and jurisdiction contained in the complaint are disputed insofar as applicable to the factual allegations herein.

4. All factual allegations contained in the complaint, except those specifically admitted below and only as qualified therein, are hereby denied.

5. Appearing Defendant reserves their right to amend the answers and affirmative defenses set forth below as deemed necessary.

I. PRELIMINARY STATEMENT

6. The allegations # 1 and # 2 under preliminary jurisdiction are legal arguments and conclusions of law and do not require a responsive pleading, but if one is required, all allegations are denied.

II. JURISDICTION, VENUE AND PARTIES

7. The allegations # 3 and #4 under jurisdiction, venue and parties are legal arguments and conclusions of law and do not

require a responsive pleading, but if one is required, all allegations are denied.

8. The allegations # 5 and #6 under jurisdiction, venue and parties are admitted.

9. The allegations #7 and #8 under jurisdiction, venue and parties does not require a response since it is not addressed to the appearing Defendant, but if one is required, the same is denied.

10. The allegation #9 under jurisdiction, venue and parties is denied.

11. The allegations #10 under jurisdiction, venue and parties does not require a response since it is not addressed to the appearing Defendant, but if one is required, the same is denied.

III. FACTS

12. The allegation #11 under Facts is admitted in part as to the years Plaintiffs enter to work for the appearing Defendant, which was 2002 for Plaintiff Vazquez. Plaintiff Rodriguez began working for Defendant in the year 2000. The rest of the allegation does not require a response since it is not addressed to the appearing Defendant, but if one is required, the same is denied.

13. The allegations #12 and #13 under Facts are denied.

14. The allegation of paragraph #14 under Facts is admitted.

15. The allegations #15 and #16 under Facts are denied for lack of knowledge and/or official information to form a believe as to the truth or falsity of the allegations.

16. The allegation #17 under Facts is admitted in part as to that notification of Plaintiffs' petition. The rest of the allegation is denied for lack of knowledge and/or official information to form a believe as to the truth or falsity of the allegations.

17. The allegations #18-20 under Facts are denied for lack of knowledge and/or official information to form a believe as to the truth or falsity of the allegations.

IV. BANKRUPTCY PROCESS

18. The allegations #21 and #22 under bankruptcy process are denied for lack of knowledge and/or official information to form a believe as to the truth or falsity of the allegations.

19. The allegations #23-27 under bankruptcy process are denied for lack of knowledge and/or official information to form a believe as to the truth or falsity of the allegations.

20. The allegation of paragraph #28 under bankruptcy process is denied.

21. The allegation of paragraph #29 is denied for lack of knowledge and/or official information to form a believe as to the truth or falsity of the allegations.

22. The allegations of paragraph #30-37 under applicable state law are legal arguments and conclusions of law and do not require a responsive pleading, but if one is required, all allegations are denied.

VI. LEGAL ARGUMENTS

23. The allegations of paragraph #38-41 under Legal Arguments are legal arguments and conclusions of law and do not require a responsive pleading, but if one is required, all allegations are denied.

24. The allegation #42 under Legal Arguments is denied.

25. The allegations #43-45 under Legal Arguments are legal arguments and conclusions of law and do not require a responsive pleading, but if one is required, all allegations are denied.

26. The allegation #46 under Legal Arguments is denied.

27. The allegations #47-48 under Legal Arguments are denied for lack of knowledge and/or official information to form a believe as to the truth or falsity of the allegations.

VII. RELIEF REQUESTED

28. The allegations#49-53 under Relief Requested are legal arguments and conclusions of law and do not require a responsive pleading, but if one is required, all allegations are denied.

VI. AFFIRMATIVE ANSWERS

1. The Complaint fails to state a claim upon which relief may be granted against the appearing Defendants.

2. The Complaint fails to state a claim cognizable under any applicable federal or state statute.

3. The appearing Defendants, at all times, acted according to law and in good faith in the performance of their duties.

4. The appearing Defendants acted at all times within the established legal and regulatory framework and they neither negligently nor intentionally violated any of Plaintiffs' rights.

5. In the hypothesis that Plaintiffs are entitled to any relief, which the appearing Defendant denies, Plaintiffs are not entitled to recover any damages.

6. Plaintiffs are estopped from seeking injunctive relief by the doctrine of laches and/or by Plaintiffs' own actions.

7. The appearing Defendants hereby reserve the right to amend the pleading, to bring any other party, and/or to raise any other affirmative defense, according to the established procedure, that arise as a result of the discovery.

8. Defendants are entitled to Immunity under the IX Amendment.

9. Defendants did not violate the automatic stay.

WHEREFORE, the Police Department of the Commonwealth of Puerto Rico, through the Secretary of Justice, respectfully requests and prays this Honorable Court that the instant Complaint be dismissed,

judgment entered in Defendants' favor; that Plaintiffs be charged with costs and attorney's fees; and grant any other relief which may be deemed proper.

CERTIFICATE OF SERVICE

I hereby certify that on this same date a true and correct copy of the present *motion* was electronically filed with the clerk of the Court using CM/ECF System which will send notification of such filing at the authorized address to **Atty. Roberto Roman Valentin**, Chapter 7 - US Trustee and to the Attorney for Debtors, **Atty. Elbia Vazquez, Esq.**, and to all interest parties disclosed under the List of Creditors.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 5th day of January 2017.

WANDA VAZQUEZ GARCED

Secretary of Justice of the Commonwealth of Puerto Rico
Designated

GRISELLE SANTIAGO CALDERON

Secretary of Justice
In Charge of Litigation

WANDYMAR BURGOS VARGAS

U.S.D.C. No. 223502
Director of Legal Affairs
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